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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,413

09/28/2006

Joachim J. Kahlert

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EXAMINER

NGO, CHUONG A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,413	Applicant(s) KAHLERT ET AL.	
	Examiner CHUONG A. NGO	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-26 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. This action is in response to the communication mailed on December 4, 2008 applicant has submitted an amendment, filled on March 4, 2009.
2. Claims 1, 4 and 6-26 are currently pending in this application; amended claims 1, 4, 7-14, 16, 18, 20, 22 and 24, added claims 25 and 26, with Claims 2, 3 and 5 are cancelled without prejudice.
3. Applicant's arguments with respect to claims 1, 4 and 6-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4 and 6-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20040039817 (hereinafter Lee) in view of US Patent Application Public 20030118015 (hereinafter Gunnarsson).

Regarding claims 1, 9, 24, Lee discloses "A communications system comprising: a plurality of mobile wireless units" (**see paragraph [0072], two wireless stations 812 and 814 and an access point 816**) "movably" (**see**

paragraph [0072], wireless station 812 moves or roams into area 850)

“located within a defined space of a wireless local area network” **(see paragraph [0072], in the BSS 810);**

Lee discloses “a plurality of fixed access points” **(see paragraph [0072], access point 816 and 826)** “disposed at known locations in the defined space” **(see paragraph [0072], BSS 810 and BSS 820)**, each access point operating at a dedicated frequency different from the dedicated frequency of its nearest neighbor access points” **(see paragraph [0006], [0026], the wireless station sends out a probe frame on specific channels (the same channel and/or different channels), and see paragraph [0036], the station must first send a probe request to all APs receiving on the selected frequency channel);**

Lee discloses “a means for tracking movement of at least one mobile device within the defined space including” **(see paragraph [0043], Lee discusses tracking as the active scanning routine):**

Lee discloses “a memory storing the access points and relative signal strengths of signals from the access points at predefined locations in the defined space” **(see paragraph [0047] and Fig. 3, a QBSS_Load value is stored (in step 308));**

Lee discloses “a means for scanning identified scanning frequencies of access points nearby a selected one of the mobile wireless units to measure actual signal strengths between the selected mobile unit and each of the nearby access points” **(see paragraphs [0006], [0035], the station, in step 122,**

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performs an active scan in the appropriate frequencies and obtains or measures the necessary information), and Lee discloses “a means for calculating at least a location of the selected mobile unit relative to the map by comparing the actual signal strengths with the map of relative signal strengths at predefined locations in the defined space” **(see paragraph [0050] and Fig. 4, Lee discusses calculating and comparing the signal as in step 408, the station compares all the RSSI value and channel loading information (or QBSS_Load value) from its scanned list for each of the APs in the appropriate configured mode);**

Lee discloses “a means for assigning the nearby access points with strongest signals at the calibrated location to the selected mobile unit based on the map of relative strengths in the defined space” **(see paragraphs [0043]+, Lee discusses as the active scanning routine and uses the acquired information to select the best AP for association in step 130)**, and Lee discloses “communicating the dedicated frequencies of the nearby access points to the selected mobile unit” **(see paragraph [0044], Lee discusses dedicated frequencies as with 802.11 (a) networks, there are 12 frequency channels, with each channel being 20 MHz wide and centered at 20 MHz intervals (beginning at 5.180 GHz and ending at 5.320 GHz for the lower and middle U-NII bands and beginning at 5.745 GHz and ending at 5.805 GHz for the upper U-NII band);**

Although, Lee does not explicitly disclose “map of the access point and tracking mobile unit”. However, attention is directed to Gunnarsson, which teaches “map of the access point and tracking mobile unit” **(see paragraph [0012] and Fig. 1, Gunnarsson discusses map of the access point as providing wireless communication services to mobile terminals 60 over a large geographic area. The service area is divided into a plurality of regions or "cells" 12, and see paragraphs [0018], [0021]+, A wide variety of systems and methods for determining and tracking the precise location of mobile terminals 60 within a wireless communication network 10 have been developed to support location-based services such as advertising).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Lee invention, and have map of the access point and tracking mobile unit, as taught by Gunnarsson, thereby providing method of notifying a mobile terminal of the availability of a wireless local area network through a communications network, based on the location of the mobile unit, as discussed by Gunnarsson, **(see paragraphs [0005], [0006]).**

Regarding claims 18, its limitations similar to those treated in the above rejection(s), and are met by the references as discussed in claim 1. Additional to claim 1 is “request threshold” **(see paragraphs [0010], [0011], [0076] about threshold requirement).**

Regarding claims 4, 6, 7, 10, 11, 13, 16, Lee discloses all the subject matters of the claimed invention concept except explicitly disclose “estimating

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movement of the mobile unit and an accuracy of the calculated location”.

However, Gunnarsson teaches “estimating movement of the mobile unit and an accuracy of the calculated location” **(see paragraphs [0018], [0021], as a wide variety of techniques are known in the wireless communication arts for more precisely determining the location of a mobile terminal 60 within the wireless communication network 10, any of which may be advantageously applied to the present invention).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Lee invention, and have map of the access point and tracking mobile unit, as taught by Gunnarsson, thereby providing method of notifying a mobile terminal of the availability of a wireless local area network through a communications network, based on the location of the mobile unit, as discussed by Gunnarsson, **(see paragraphs [0005], [0006]).**

Regarding claims 8, 14, 21, 25 and 26, have limitations similar to those treated in the above rejection(s), and are met by the references as discussed in claim 1.

Regarding claim 12, Lee discloses “updating the frequency of the nearest access point as the selected mobile device changes location” **(see paragraphs [0043]+, about selected frequency channel).**

Regarding claim 15, Lee discloses all the subject matters of the claimed invention concept except explicitly disclose “determining a certainty of an accuracy of the calculated location of the mobile device”. However, **(see**

paragraphs [0021], as a wide variety of techniques are known in the wireless communication arts for more precisely determining the location of a mobile terminal 60 within the wireless communication network 10, any of which may be advantageously applied to the present invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Lee invention, and have map of the access point and tracking mobile unit, as taught by Gunnarsson, thereby providing method of notifying a mobile terminal of the availability of a wireless local area network through a communications network, based on the location of the mobile unit, as discussed by Gunnarsson, **(see paragraphs [0005], [0006]).**

Regarding claims 17, 20 Lee discloses “comparing the determined certainty with a requested threshold” **(see paragraphs [0051], about threshold requirement).**

Regarding claims 22 and 23, have limitations similar to those treated in the above rejection(s), and are met by the references as discussed in claim 9.

Regarding claim 19, has limitations similar to those treated in the above rejection(s), and are met by the references as discussed in claim 18.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617